**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION No.8372 OF 2006**

**27th July, 2006**

Between:

D. Vasudeva Reddy .. Petitioner.

And

1. State Transport Appellate Tribunal, A.P.,
   Nampally, Hyderabad, rep. by its Secretary.,
   And 2 others. .. Respondents

**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION No.8372 OF 2006**

**ORDER:**

The application made by the petitioner for grant of stage carriage permit on the existing town service route from Ayyappaswamy Temple to Pallipalem was rejected by the 2nd respondent – Regional Transport Authority in its meeting held on 19-12-2002. Aggrieved by the same, the petitioner preferred an appeal being A.P.No.151 of 2003 before the 1st respondent – State Transport Appellate Tribunal (STAT). The STAT, by order dated 12-7-2004, set aside the order of the 2nd respondent and remanded the matter to the 1st respondent to consider and decide the application afresh. Questioning the same, this writ petition is filed.

It is to be noted that the application of the petitioner was rejected by the 2nd respondent on the ground that though the route was an existing route, the permit was prohibited under the Scheme. However, the 1st respondent – Appellate Authority ignored the said finding of fact recorded by the 2nd respondent and without assigning any reasons accepted the contention of the 3rd respondent that there was no material available on record to show that the route was an existing route, and on the said sole ground remanded the matter for consideration afresh.

Having heard the learned Counsel for both the parties and having perused the material on record, I find force in the submission of the learned Counsel for the petitioner that the 1st respondent committed an error in remanding the matter without assigning any

reasons for not accepting the finding of fact recorded by the 2nd respondent.

Even assuming that there was no material available on record, the 1st respondent ought to have called for a report instead of remanding the matter to the 2nd respondent. As a matter of fact, the learned Counsel appearing for the Corporation did not dispute the fact that the route was an existing route, but contended that there was a prohibition for grant of stage carriage permit and therefore the 2nd respondent had rightly rejected the application of the petitioner. Since the 1st respondent did not go into the said issue and remanded the matter only on the ground that there was no material to show that the route was an existing one, I am of the opinion that the appeal requires reconsideration by the 1st respondent on merits.

Accordingly, the order impugned is set aside and the matter is remanded back to the 1st respondent for consideration afresh and to pass appropriate orders in accordance with law as to the validity of the order passed by the 2nd respondent on merits.

The writ petition is accordingly disposed of. No costs.

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**(G. ROHINI, J.)**

27th July, 2006.

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